

Calendar No. 503

117TH CONGRESS
2D SESSION

S. 3232

[Report No. 117-161]

To require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. COTTON, Mr. MARKEY, Ms. CORTEZ MASTO, Ms. SMITH, Ms. WARREN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. CARDIN, Mr. DURBIN, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 27, 2022

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Stop Tip-overs of Un-
3 stable, Risky Dressers on Youth Act" or the "STURDY
4 Act".

5 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PRO-**

6 **TECT AGAINST TIP-OVER OF CLOTHING
7 STORAGE UNITS.**

8 (a) **CLOTHING STORAGE UNIT DEFINED.**—In this
9 section, the term "clothing storage unit" means any free-
10 standing furniture item manufactured in the United
11 States or imported for use in the United States that is
12 intended for the storage of clothing, typical of bedroom
13 furniture.

14 (b) **CPSC DETERMINATION OF SCOPE.**—The Con-
15 sumer Product Safety Commission shall specify the types
16 of furniture items within the scope of subsection (a) for
17 purposes of the standard promulgated under subsection
18 (e) based on tip-over data as reasonably necessary to pro-
19 tect children up to 72 months of age from injury or death.

20 (c) **CONSUMER PRODUCT SAFETY STANDARD RE-
21 QUIRED.**—

22 (1) **IN GENERAL.**—Except as provided in sub-
23 section (d)(1), not later than 1 year after the date
24 of the enactment of this Act, the Consumer Product
25 Safety Commission shall—

1 (A) in consultation with representatives of
2 consumer groups, clothing storage unit manu-
3 facturers, craft or handmade furniture manu-
4 facturers, and independent child product engi-
5 neers and experts, examine and assess the ef-
6 ffectiveness of any voluntary consumer product
7 safety standards for clothing storage units; and

8 (B) in accordance with section 553 of title
9 5, United States Code, promulgate a final con-
10 sumer product safety standard for clothing
11 storage units to protect children from tip-over-
12 related death or injury that includes—

13 (i) tests that simulate the weight of
14 children up to 60 pounds;

15 (ii) objective, repeatable, and measur-
16 able tests that simulate real world use and
17 account for any impact on clothing storage
18 unit stability that may result from place-
19 ment on carpeted surfaces, drawers with
20 items in them, multiple open drawers, or
21 dynamic force;

22 (iii) testing of all clothing storage
23 units, including those 27 inches and above
24 in height;

1 (iv) tests that permit incorporated
2 safety features (excluding tip restraints) to
3 work as intended if the features cannot be
4 overridden by consumers in normal use
5 and provide an equivalent or greater level
6 of safety as tests developed pursuant to
7 clauses (i) through (iii); and

8 (v) warning requirements based on
9 ASTM F2057-19, or its successor at the
10 time of enactment, provided that the Con-
11 sumer Product Safety Commission shall
12 strengthen the requirements of ASTM
13 F2057-19, or its successor, if reasonably
14 necessary to protect children from tip-over-
15 related death or injury.

16 (2) TREATMENT OF STANDARD.—A consumer
17 product safety standard promulgated under para-
18 graph (1) shall be treated as a consumer product
19 safety rule promulgated under section 9 of the Con-
20 sumer Product Safety Act (15 U.S.C. 2058).

21 (d) SUBSEQUENT RULEMAKING.—

22 (1) IN GENERAL.—At any time subsequent to
23 the publication of a consumer product safety stand-
24 ard under subsection (e)(1), the Commission shall
25 initiate a rulemaking, in accordance with section 553

1 of title 5, United States Code to modify the require-
2 ments of the consumer product safety standard de-
3 scribed in subsection (e)(1) if the Commission deter-
4 mines that such modifications are reasonably nee-
5 cessary to protect children from tip-over related death
6 or injury.

7 (2) REVISION OF RULE.—

8 (A) IN GENERAL.—If the Commission re-
9 ceives a petition for a new or revised test under
10 subsection (e)(1)(B)(iv), the Commission shall
11 determine within 120 days—

12 (i) whether the petition meets the re-
13 quirements for petitions set forth in sec-
14 tion 1051.5 of title 16, Code of Federal
15 Regulations, or any successor regulation
16 implementing section 9(i) of the Consumer
17 Product Safety Act (15 U.S.C. 2058(i));
18 and

19 (ii) whether the petition demonstrates
20 that the test could reasonably meet the re-
21 quirements of subsection (e)(1)(B)(iv), and
22 if so, the Commission shall determine by
23 recorded vote, within 60 days after the de-
24 termination, whether to initiate a rule-
25 making, in accordance with section 553 of

1 title 5, United States Code, to revise the
2 consumer product safety standard de-
3 scribed in subsection (e)(1) to include the
4 new or revised text.

5 (B) REVISIONS BASED ON GROWTH
6 CHARTS.—If, after the date of the enactment of
7 this Act, the Centers for Disease Control and
8 Prevention revises its Clinical Growth Charts,
9 the consumer product safety standard described
10 in subsection (e)(1) shall, on the date that is
11 180 days after such revision, be revised to in-
12 clude tests that simulate the weight of children
13 up to the 95th percentile weight of children 72
14 months in age, as depicted in the revised Cen-
15 ters for Disease Control and Prevention Clinical
16 Growth Charts, unless the Commission deter-
17 mines the modification is not reasonably ne-
18 cessary to protect children from tip-over related
19 death or injury.

20 (3) TREATMENT OF RULES.—Any rule promul-
21 gated under paragraph (1) or revision made pursu-
22 ant to paragraph (2) shall be treated as a consumer
23 product safety rule promulgated under section 9 of
24 the Consumer Product Safety Act (15 U.S.C. 2058).

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Stop Tip-overs of Unsta-*
3 *ble, Risky Dressers on Youth Act” or the “STURDY Act”.*

4 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PRO-**
5 **TECT AGAINST TIP-OVER OF CLOTHING STOR-**
6 **AGE UNITS.**

7 (a) *CLOTHING STORAGE UNIT DEFINED.—In this sec-*
8 *tion, the term “clothing storage unit” means any free-stand-*
9 *ing furniture item manufactured in the United States or*
10 *imported for use in the United States that is intended for*
11 *the storage of clothing, typical of bedroom furniture.*

12 (b) *CPSC DETERMINATION OF SCOPE.—The Con-*
13 *sumer Product Safety Commission shall specify the types*
14 *of furniture items within the scope of subsection (a) as part*
15 *of a standard promulgated under this section based on tip-*
16 *over data as reasonably necessary to protect children up*
17 *to 72 months of age from injury or death.*

18 (c) *CONSUMER PRODUCT SAFETY STANDARD RE-*
19 *QUIRED.—*

20 (1) *IN GENERAL.—Except as provided in sub-*
21 *section (f)(1), not later than 1 year after the date of*
22 *the enactment of this Act, the Consumer Product Safe-*
23 *ty Commission shall—*

24 (A) *in consultation with representatives of*
25 *consumer groups, clothing storage unit manufac-*
26 *turers, craft or handmade furniture manufactur-*

1 *ers, and independent child product engineers and*
2 *experts, examine and assess the effectiveness of*
3 *any voluntary consumer product safety stand-*
4 *ards for clothing storage units; and*

5 *(B) in accordance with section 553 of title*
6 *5, United States Code, and paragraph (2), pro-*
7 *mulgate a final consumer product safety stand-*
8 *ard for clothing storage units to protect children*
9 *from tip-over-related death or injury, that shall*
10 *take effect 180 days after the date of promulga-*
11 *tion or such a later date as the Commission de-*
12 *termines appropriate.*

13 *(2) REQUIREMENTS.—The standard promulgated*
14 *under paragraph (1) shall protect children from tip-*
15 *over-related death or injury with—*

16 *(A) tests that simulate the weight of chil-*
17 *dren up to 60 pounds;*

18 *(B) objective, repeatable, reproducible, and*
19 *measurable tests or series of tests that simulate*
20 *real-world use and account for impacts on cloth-*
21 *ing storage unit stability that may result from*
22 *placement on carpeted surfaces, drawers with*
23 *items in them, multiple open drawers, and dy-*
24 *namic force;*

1 (C) testing of all clothing storage units, in-
2 cluding those 27 inches and above in height; and
3 (D) warning requirements based on ASTM
4 F2057-19, or its successor at the time of enact-
5 ment, provided that the Consumer Product Safe-
6 ty Commission may strengthen the warning re-
7 quirements of ASTM F2057-19, or its successor,
8 if reasonably necessary to protect children from
9 tip-over-related death or injury.

10 (3) *TESTING CLARIFICATION*.—Tests referred to
11 in paragraph (2)(B) shall allow for the utilization of
12 safety features (excluding tip restraints) to work as
13 intended if the features cannot be overridden by con-
14 sumers in normal use.

15 (4) *TREATMENT OF STANDARD*.—A consumer
16 product safety standard promulgated under para-
17 graph (1) shall be treated as a consumer product safe-
18 ty rule promulgated under section 9 of the Consumer
19 Product Safety Act (15 U.S.C. 2058).

20 (d) *ADOPTION OF VOLUNTARY STANDARD*.—

21 (1) *IN GENERAL*.—If a voluntary standard exists
22 that meets the requirements of paragraph (2), the
23 Commission shall, not later than 180 days after the
24 date on which such determination is made and in ac-
25 cordance with section 553 of title 5, United States

1 Code, promulgate a final consumer product safety
2 standard that adopts the applicable performance re-
3 quirements of such voluntary standard related to pro-
4 tecting children from tip-over-related death or injury.
5 A consumer product safety standard promulgated
6 under this subsection shall be treated as a consumer
7 product safety rule promulgated under section 9 of the
8 Consumer Product Safety Act (15 U.S.C. 2058). Such
9 standard shall take effect 180 days after the date of
10 the promulgation of the rule, or such a later date as
11 the Commission determines appropriate. Such stand-
12 ard will supersede any other existing consumer prod-
13 uct safety standard for clothing storage units to pro-
14 tect children from tip-over-related death or injury.

15 (2) REQUIREMENTS.—The requirements of this
16 paragraph with respect to a voluntary standard for
17 clothing storage units are that such standard—

18 (A) includes performance requirements that
19 meet the requirements described in subsection
20 (c)(2);

21 (B) is, or will be, published not later than
22 120 days after the date of enactment of this Act;
23 and

24 (C) is developed by ASTM International or
25 such other standard development organization

1 *that the Commission determines is in compliance
2 with the intent of this Act.*

3 *(3) NOTICE REQUIRED TO BE PUBLISHED IN THE
4 FEDERAL REGISTER.—The Commission shall publish
5 a notice in the Federal Register upon beginning the
6 promulgation of a rule under this subsection.*

7 *(e) REVISION OF VOLUNTARY STANDARD.—*

8 *(1) NOTICE TO COMMISSION.—If the performance
9 requirements of a voluntary standard adopted under
10 subsection (d) are subsequently revised, the organiza-
11 tion that revised the performance requirements of such
12 standard shall notify the Commission of such revision
13 after final approval.*

14 *(2) TREATMENT OF REVISION.—Not later than
15 90 days after the date on which the Commission is
16 notified of revised performance requirements of a vol-
17 untary standard described in paragraph (1) (or such
18 later date as the Commission determines appro-
19 priate), the Commission shall determine whether the
20 revised performance requirements meet the require-
21 ments of subsection (d)(2)(A), and if so, modify, in
22 accordance with section 553 of title 5, United States
23 Code, the standard promulgated under subsection (d)
24 to include the revised performance requirements that
25 the Commission determines meet such requirements.*

1 *The modified standard shall take effect after 180 days*
2 *or such later date as the Commission deems appro-*
3 *priate.*

4 *(f) SUBSEQUENT RULEMAKING.—*

5 *(1) IN GENERAL.—Beginning 5 years after the*
6 *date of enactment of this Act, subsequent to the publi-*
7 *cation of a consumer product safety standard under*
8 *this section, the Commission may, at any time, ini-*
9 *tiate rulemaking, in accordance with section 553 of*
10 *title 5, United States Code, to modify the require-*
11 *ments of such standard or to include additional pro-*
12 *visions if the Commission makes a determination that*
13 *such modifications or additions are reasonably nec-*
14 *essary to protect children from tip-over-related death*
15 *or injury.*

16 *(2) PETITION FOR REVISION OF RULE.—*

17 *(A) IN GENERAL.—If the Commission re-*
18 *ceives a petition for a new or revised test that*
19 *permits incorporated safety features (excluding*
20 *tip restraints) to work as intended, if the fea-*
21 *tures cannot be overridden by consumers in nor-*
22 *mal use and provide an equivalent or greater*
23 *level of safety as the tests developed under sub-*
24 *section (c)(2) or the performance requirements*
25 *described in subsection (d)(2)(A), as applicable,*

1 *the Commission shall determine within 120
2 days—*

3 *(i) whether the petition meets the re-
4 quirements for petitions set forth in section
5 1051.5 of title 16, Code of Federal Regula-
6 tions, or any successor regulation imple-
7 menting section 9(i) of the Consumer Prod-
8 uct Safety Act (15 U.S.C. 2058(i)); and*

9 *(ii) whether the petition demonstrates
10 that the test could reasonably meet the re-
11 quirements of subsection (c)(2)(B), and if
12 so, the Commission shall determine by re-
13 corded vote, within 60 days after the deter-
14 mination, whether to initiate rulemaking,
15 in accordance with section 553 of title 5,
16 United States Code, to revise a consumer
17 product safety standard promulgated under
18 this section to include the new or revised
19 test.*

20 **(B) DEMONSTRATION OF COMPLIANCE.—**
21 *Compliance with the testing requirements of a
22 standard revised under paragraph (2)(A) may be
23 demonstrated either through the performance of a
24 new or revised test under paragraph (2)(A) or
25 the performance of the tests otherwise required*

1 *under a standard promulgated under this sec-*
2 *tion.*

3 *(3) TREATMENT OF RULES.—Any rule promul-*
4 *gated under this subsection, including any modifica-*
5 *tion or revision made under this subsection, shall be*
6 *treated as a consumer product safety rule promul-*
7 *gated under section 9 of the Consumer Product Safety*
8 *Act (15 U.S.C. 2058).*

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A BILL

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